

**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**ALEJANDRO MEDEROS
Pharmacy Technician Registration No. TCH 124822**

Respondent.

Agency Case No. 7247

OAH No. 2022060701

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on November 30, 2022.

It is so ORDERED on October 31, 2022.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read 'Seung W. Oh', is written over a light gray rectangular background.

Seung W. Oh, Pharm.D.
Board President

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9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

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13 In the Matter of the Accusation Against:

Case No. 7247

14 **ALEJANDRO MEDEROS**
15 **19021 Vicci St.**
Canyon Country, CA 91351

OAH No. 2022060701

16 **Pharmacy Technician Registration No. TCH**
17 **124822**

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

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Respondent.

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
entitled proceedings that the following matters are true:

PARTIES

1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
(Board). She brought this action solely in her official capacity and is represented in this matter by
Rob Bonta, Attorney General of the State of California, by Kevin J. Schettig, Deputy Attorney
General.

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2. Respondent Alejandro Mederos (Respondent) is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about July 17, 2012, the Board issued Pharmacy Technician Registration No. TCH 124822 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 7247, and will expire on September 30, 2023, unless renewed.

JURISDICTION

4. Accusation No. 7247 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on May 27, 2022. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 7247 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in Accusation No. 7247. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 **CULPABILITY**

2 9. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 7247.

4 10. Respondent agrees that his Pharmacy Technician Registration is subject to discipline
5 and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order
6 below.

7 **CONTINGENCY**

8 11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
9 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may
10 communicate directly with the Board regarding this stipulation and settlement, without notice to
11 or participation by Respondent. By signing the stipulation, Respondent understands and agrees
12 that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the
13 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and
14 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for
15 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall
16 not be disqualified from further action by having considered this matter.

17 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
18 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
19 signatures thereto, shall have the same force and effect as the originals.

20 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
21 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
22 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
23 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
24 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
25 writing executed by an authorized representative of each of the parties.

26 14. In consideration of the foregoing admissions and stipulations, the parties agree that
27 the Board may, without further notice or formal proceeding, issue and enter the following
28 Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 124822 issued to Respondent Alejandro Mederos is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions:

1. Obey All Laws

Respondent shall obey all state and federal laws and regulations.

Respondent shall report any of the following occurrences to the board, in writing, within seventy- two (72) hours of such occurrence:

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws
- a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- the filing of a disciplinary pleading, issuance of a citation, or initiation of another administrative action filed by any state or federal agency which involves Respondent's license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

Failure to timely report such occurrence shall be considered a violation of probation.

2. Report to the Board

Respondent shall report to the board quarterly, on a schedule as directed by the Board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, Respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation.

Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed,

1 probation shall be automatically extended until such time as the final report is made and accepted
2 by the board.

3 **3. Interview with the Board**

4 Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews
5 with the Board or its designee, at such intervals and locations as are determined by the Board or
6 its designee. Failure to appear for any scheduled interview without prior notification to Board
7 staff, or failure to appear for two (2) or more scheduled interviews with the Board or its designee
8 during the period of probation, shall be considered a violation of probation.

9 **4. Cooperate with Board Staff**

10 Respondent shall timely cooperate with the Board's inspection program and with the
11 Board's monitoring and investigation of Respondent's compliance with the terms and conditions
12 of his probation, including but not limited to: timely responses to requests for information by
13 Board staff; timely compliance with directives from Board staff regarding requirements of any
14 term or condition of probation; and timely completion of documentation pertaining to a term or
15 condition of probation. Failure to timely cooperate shall be considered a violation of probation.

16 **5. Reporting of Employment and Notice to Employers**

17 During the period of probation, Respondent shall notify all present and prospective
18 employers of the decision in Case Number 7247 and the terms, conditions and restrictions
19 imposed on Respondent by the decision, as follows:

20 Within thirty (30) days of the effective date of this decision, and within ten (10) days of
21 undertaking any new employment, Respondent shall report to the board in writing the name,
22 physical address, and mailing address of each of his employer(s), and the name(s) and telephone
23 number(s) of all of his direct supervisor(s), as well as any pharmacist(s)-in-charge, designated
24 representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work
25 schedule, if known. Respondent shall also include the reason(s) for leaving the prior
26 employment. Respondent shall sign and return to the board a written consent authorizing the
27 Board or its designee to communicate with all of Respondent's employer(s) and supervisor(s),
28 and authorizing those employer(s) or supervisor(s) to communicate with the Board or its

1 designee, concerning Respondent's work status, performance, and monitoring. Failure to comply
2 with the requirements or deadlines of this condition shall be considered a violation of probation.

3 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
4 Respondent undertaking any new employment, Respondent shall cause (a) his direct supervisor,
5 (b) his pharmacist-in-charge, designated representative-in-charge, responsible manager, or other
6 compliance supervisor, and (c) the owner or owner representative of his employer, to report to the
7 Board in writing acknowledging that the listed individual(s) has/have read the decision in Case
8 Number 7247, and terms and conditions imposed thereby. If one person serves in more than one
9 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the Respondent's
10 responsibility to ensure that these acknowledgment(s) are timely submitted to the Board. In the
11 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term
12 of probation, Respondent shall cause the person(s) taking over the role(s) to report to the Board in
13 writing within fifteen (15) days of the change acknowledging that he or she has read the decision
14 in Case Number 7247, and the terms and conditions imposed thereby.

15 If Respondent works for or is employed by or through an employment service, Respondent
16 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the Board
17 of the decision in Case Number 7247, and the terms and conditions imposed thereby in advance
18 of Respondent commencing work at such licensed entity. A record of this notification must be
19 provided to the Board upon request.

20 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
21 (15) days of Respondent undertaking any new employment by or through an employment service,
22 Respondent shall cause the person(s) described in (a), (b), and (c) above at the employment
23 service to report to the Board in writing acknowledging that he or she has read the decision in
24 Case Number 7247, and the terms and conditions imposed thereby. It shall be Respondent's
25 responsibility to ensure that these acknowledgment(s) are timely submitted to the Board.

26 Failure to timely notify present or prospective employer(s) or failure to cause the identified
27 person(s) with that/those employer(s) to submit timely written acknowledgments to the Board
28 shall be considered a violation of probation.

1 “Employment” within the meaning of this provision includes any full-time, part-time,
2 temporary, relief, or employment/management service position as a Pharmacy Technician, or any
3 position for which a Pharmacy Technician is a requirement or criterion for employment, whether
4 the respondent is an employee, independent contractor or volunteer.

5 **6. Notification of Change(s) in Name, Address(es), or Phone Number(s)**

6 Respondent shall further notify the Board in writing within ten (10) days of any change in
7 name, residence address, mailing address, e-mail address or phone number.

8 Failure to timely notify the Board of any change in employer, name, address, or phone
9 number shall be considered a violation of probation.

10 **7. Reimbursement of Board Costs**

11 As a condition precedent to successful completion of probation, Respondent shall pay to the
12 Board its costs of investigation and prosecution in the amount of \$3,279.38. Respondent shall be
13 permitted to pay these costs in a payment plan approved by the Board or its designee, so long as
14 full payment is completed no later than one (1) year prior to the end date of probation.

15 There shall be no deviation from this schedule absent prior written approval by the Board or
16 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of
17 probation.

18 **8. Probation Monitoring Costs**

19 Respondent shall pay any costs associated with probation monitoring as determined by the
20 Board each and every year of probation. Such costs shall be payable to the Board on a schedule
21 as directed by the Board or its designee. Failure to pay such costs by the deadline(s) as directed
22 shall be considered a violation of probation.

23 **9. Status of License**

24 Respondent shall, at all times while on probation, maintain an active, current Pharmacy
25 Technician Registration with the Board, including any period during which suspension or
26 probation is tolled. Failure to maintain an active, current Pharmacy Technician Registration shall
27 be considered a violation of probation.

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1 If Respondent's Pharmacy Technician Registration expires or is cancelled by operation of
2 law or otherwise at any time during the period of probation, including any extensions thereof due
3 to tolling or otherwise, upon renewal or reapplication Respondent's license shall be subject to all
4 terms and conditions of this probation not previously satisfied.

5 **10. License Surrender While on Probation/Suspension**

6 Following the effective date of this decision, should Respondent cease practice due to
7 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
8 Respondent may relinquish his license, including any indicia of licensure issued by the Board,
9 along with a request to surrender the license. The Board or its designee shall have the discretion
10 whether to accept the surrender or take any other action it deems appropriate and reasonable.
11 Upon formal acceptance of the surrender of the license, Respondent will no longer be subject to
12 the terms and conditions of probation. This surrender constitutes a record of discipline and shall
13 become a part of the Respondent's license history with the Board.

14 Upon acceptance of the surrender, Respondent shall relinquish his pocket and/or wall
15 license, including any indicia of licensure not previously provided to the Board within ten (10)
16 days of notification by the Board that the surrender is accepted if not already provided.
17 Respondent may not reapply for any license from the Board for three (3) years from the effective
18 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
19 of the date the application for that license is submitted to the Board, including any outstanding
20 costs.

21 **11. Certification Prior to Resuming Work**

22 Respondent shall be suspended, and shall not work as a pharmacy technician, until he has
23 been certified as defined by Business and Professions Code section 4202, subdivision (a)(4), has
24 submitted proof of certification to the board, and has been notified by the Board or its designee
25 that he may begin work. Failure to achieve certification within six (6) months of the effective
26 date shall be considered a violation of probation.

27 During suspension, Respondent shall not enter any pharmacy area or any portion of any
28 other Board licensed premises of a wholesaler, third-party logistics provider, veterinary food-

1 animal drug retailer or any other distributor of drugs which is licensed by the Board, or any
2 manufacturer, or any area where dangerous drugs and/or dangerous devices or controlled
3 substances are maintained.

4 Respondent shall not do any act involving drug selection, selection of stock, manufacturing,
5 compounding or dispensing; nor shall Respondent manage, administer, or assist any licensee of
6 the Board. Respondent shall not have access to or control the ordering, distributing,
7 manufacturing or dispensing of dangerous drugs and/or dangerous devices or controlled
8 substances.

9 During this suspension, Respondent shall not engage in any activity that requires licensure
10 as a pharmacy technician. Respondent shall not direct or control any aspect of the practice of
11 pharmacy or of the manufacture, distribution, wholesaling, or retailing of dangerous drugs and/or
12 dangerous devices, or controlled substances.

13 Failure to comply with any such suspension shall be considered a violation of probation.

14 **12. Practice Requirement – Extension of Probation**

15 Except during periods of suspension, Respondent shall, at all times while on probation, be
16 employed as a Pharmacy Technician in California for a minimum of 100 hours per calendar
17 month. Any month during which this minimum is not met shall extend the period of probation by
18 one month. During any such period of insufficient employment, Respondent must nonetheless
19 comply with all terms and conditions of probation, unless Respondent receives a waiver in
20 writing from the Board or its designee.

21 If Respondent does not practice as a Pharmacy Technician in California for the minimum
22 number of hours in any calendar month, for any reason (including vacation), Respondent shall
23 notify the Board in writing within ten (10) days of the conclusion of that calendar month. This
24 notification shall include at least: the date(s), location(s), and hours of last practice; the reason(s)
25 for the interruption or reduction in practice; and the anticipated date(s) on which Respondent will
26 resume practice at the required level. Respondent shall further notify the Board in writing within
27 ten (10) days following the next calendar month during which Respondent practices as a
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1 Pharmacy Technician in California for the minimum of hours. Any failure to timely provide such
2 notification(s) shall be considered a violation of probation.

3 It is a violation of probation for Respondent's probation to be extended pursuant to the
4 provisions of this condition for a total period, counting consecutive and non-consecutive months,
5 exceeding thirty-six (36) months. The Board or its designee may post a notice of the extended
6 probation period on its website.

7 **13. Violation of Probation**

8 If Respondent has not complied with any term or condition of probation, the Board shall
9 have continuing jurisdiction over Respondent, and the Board shall provide notice to Respondent
10 that probation shall automatically be extended, until all terms and conditions have been satisfied
11 or the Board has taken other action as deemed appropriate to treat the failure to comply as a
12 violation of probation, to terminate probation, and to impose the penalty that was stayed. The
13 Board or its designee may post a notice of the extended probation period on its website.

14 If Respondent violates probation in any respect, the Board, after giving respondent notice
15 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
16 was stayed. If a petition to revoke probation or an accusation is filed against Respondent during
17 probation, or the preparation of an accusation or petition to revoke probation is requested from
18 the Office of the Attorney General, the Board shall have continuing jurisdiction and the period of
19 probation shall be automatically extended until the petition to revoke probation or accusation is
20 heard and decided.

21 **14. Completion of Probation**

22 Upon written notice by the Board or its designee indicating successful completion of
23 probation, Respondent's license will be fully restored.

24 **15. Drug and Alcohol Testing**

25 Respondent, at his own expense, shall participate in testing as directed by the Board or its
26 designee for the detection of alcohol, controlled substances, and dangerous drugs and/or
27 dangerous devices. Testing protocols may include biological fluid testing (urine, blood),
28 breathalyzer, hair follicle testing, or other testing protocols as directed by the Board or its

1 designee. All testing must be pursuant to an observed testing protocol, unless Respondent is
2 informed otherwise in writing by the Board or its designee. Respondent may be required to
3 participate in testing for the entire probation period and frequency of testing will be determined
4 by the Board or its designee.

5 By no later than thirty (30) days after the effective date of this decision, Respondent shall
6 have completed all of the following tasks: enrolled and registered with an approved drug and
7 alcohol testing vendor; provided that vendor with any documentation, and any information
8 necessary for payment by Respondent; commenced testing protocols, including all required
9 contacts with the testing vendor to determine testing date(s); and begun testing. At all times,
10 Respondent shall fully cooperate with the testing vendor, and with the Board or its designee, with
11 regard to enrollment, registration, and payment for, and compliance with, testing. Any failure to
12 cooperate timely shall be considered a violation of probation.

13 Respondent may be required to test on any day, including weekends and holidays.
14 Respondent is required to make daily contact with the testing vendor to determine if a test is
15 required, and if a test is required must submit to testing on the same day.

16 Prior to any vacation or other period of absence from the area where the approved testing
17 vendor provides services, Respondent shall seek and receive approval from the Board or its
18 designee to use an alternate testing vendor to ensure testing can occur. Upon approval,
19 Respondent shall enroll and register with the approved alternate drug testing vendor, provide to
20 that alternate vendor any documentation required by the vendor, including any necessary payment
21 by Respondent. During the period of absence of the area, respondent shall commence testing
22 protocols with the alternate vendor, including required daily contacts with the testing vendor to
23 determine if testing is required, and required testing. Any failure to timely seek or receive
24 approval from the Board or its designee, or to timely enroll and register with, timely commence
25 testing protocols with, or timely undergo testing with, the alternate testing vendor, shall be
26 considered a violation of probation.

27 Upon detection of an illicit drug, controlled substance or dangerous drug, the Board or its
28 designee may require Respondent to timely provide documentation from a licensed practitioner

1 authorized to prescribe the detected substance demonstrating that the substance was administered
2 or ingested pursuant to a legitimate prescription issued as a necessary part of treatment. All such
3 documentation shall be provided by Respondent within ten (10) days of being requested.

4 Any of the following shall be considered a violation of probation and shall result in
5 Respondent being immediately suspended from practice as a Pharmacy Technician until notified
6 by the Board in writing that he may resume practice: failure to timely complete all of the steps
7 required for enrollment/registration with the drug testing vendor, including making arrangements
8 for payment; failure to timely commence drug testing protocols; failure to contact the drug testing
9 vendor as required to determine testing date(s); failure to test as required; failure to timely supply
10 documentation demonstrating that a detected substance was taken pursuant to a legitimate
11 prescription issued as a necessary part of treatment; and/or detection through testing of alcohol, or
12 of an illicit drug, or of a controlled substance or dangerous drug absent documentation that the
13 detected substance was taken pursuant to a legitimate prescription and a necessary treatment. In
14 the event of a suspension ordered after detection through testing of alcohol, an illicit drug, or of a
15 controlled substance or dangerous drug absent documentation that the detected substance was
16 taken pursuant to a legitimate prescription and a necessary treatment, the Board or its designee
17 shall inform Respondent of the suspension and inform him to immediately leave work, and shall
18 notify Respondent's employer(s) and work site monitor(s) of the suspension.

19 During any such suspension, Respondent shall not enter any pharmacy area or any portion
20 of the licensed premises of a wholesaler, third-party-logistics provider, veterinary food-animal
21 drug retailer, or any other distributor of drugs which is licensed by the Board, or any
22 manufacturer, or any area where dangerous drugs and/or dangerous devices or controlled
23 substances are maintained. Respondent shall not practice pharmacy nor do any act involving drug
24 selection, selection of stock, manufacturing, compounding, dispensing or patient consultation; nor
25 shall Respondent manage, administer, or be a consultant to any licensee of the Board, or have
26 access to or control the ordering, distributing, manufacturing or dispensing of dangerous drugs
27 and/or dangerous devices and controlled substances.

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1 During any such suspension, Respondent shall not engage in any activity that requires the
2 professional judgment of and/or licensure as a Pharmacy Technician. Respondent shall not direct
3 or control any aspect of the practice of pharmacy, or of the manufacturing, distributing,
4 wholesaling, or retailing of dangerous drugs and/or dangerous devices.

5 Failure to comply with any such suspension shall be considered a violation of probation.
6 Failure to comply with any requirement or deadline stated by this term shall be considered a
7 violation of probation.

8 **16. Notification of Departure**

9 Prior to leaving the probationary geographic area designated by the Board or its designee
10 for a period greater than twenty-four (24) hours, Respondent shall notify the Board verbally and
11 in writing of the dates of departure and return. Failure to comply with this provision shall be
12 considered a violation of probation.

13 **17. Abstain from Drugs and Alcohol**

14 Respondent shall completely abstain from the possession or use of alcohol, controlled
15 substances, illicit drugs, dangerous drugs and/or dangerous devices, or their associated
16 paraphernalia, except when possessed or used pursuant to a legitimate prescription issued as a
17 necessary part of treatment. Respondent shall ensure that he is not in the same physical location
18 as individuals who are using illicit substances even if Respondent is not personally ingesting the
19 drugs. Any possession or use of alcohol, dangerous drugs and/or dangerous devices or controlled
20 substances, or their associated paraphernalia for which a legitimate prescription has not been
21 issued as a necessary part of treatment, or any physical proximity to persons using illicit
22 substances, shall be considered a violation of probation.

23 **18. Prescription Coordination and Monitoring of Prescription Use**

24 Within thirty (30) days of the effective date of this decision, Respondent shall submit to the
25 Board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
26 physician assistant, or psychiatrist of Respondent's choice, who shall be aware of the
27 Respondent's history with the use of alcohol, illicit drugs, controlled substances, and/or
28 dangerous drugs, and who will coordinate and monitor any prescriptions for Respondent for

1 dangerous drugs and/or dangerous devices, controlled substances or mood-altering drugs. The
2 approved practitioner shall be provided with a copy of the Board's Accusation and decision. A
3 record of this notification must be provided to the Board or its designee upon request.
4 Respondent shall sign a release authorizing the practitioner to communicate with the Board or its
5 designee about Respondent's treatment(s). The coordinating physician, nurse practitioner,
6 physician assistant, or psychiatrist shall report to the Board on a quarterly basis for the duration of
7 probation regarding Respondent's compliance with this condition. If any substances considered
8 addictive have been prescribed, the report shall identify a program for the time limited use of any
9 such substances. The Board or its designee may require that the single coordinating physician,
10 nurse practitioner, physician assistant or psychiatrist be a specialist in addictive medicine, or
11 consult a specialist in addictive medicine. Should Respondent, for any reason, cease supervision
12 by the approved practitioner, Respondent shall notify the board or its designee immediately and,
13 within thirty (30) days of ceasing supervision, submit the name of a replacement physician, nurse
14 practitioner, physician assistant, or psychiatrist of Respondent's choice to the Board or its
15 designee for its prior approval. Failure to timely submit the selected practitioner or replacement
16 practitioner to the Board or its designee for approval, or to ensure the required quarterly reporting
17 thereby, shall be considered a violation of probation.

18 If at any time an approved practitioner determines that Respondent is unable to practice
19 safely or independently as a Pharmacy Technician, the practitioner shall notify the Board or its
20 designee immediately by telephone and follow up by written letter within three (3) working days.
21 Upon notification from the Board or its designee of this determination, Respondent shall be
22 automatically suspended and shall not resume practice as a Pharmacy Technician until notified by
23 the Board or its designee that practice may be resumed.

24 During any suspension, Respondent shall not enter any pharmacy area or any portion of the
25 licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug
26 retailer, or any other distributor of drugs which is licensed by the Board, or any manufacturer, or
27 any area where dangerous drugs and/or dangerous devices or controlled substances are
28 maintained. Respondent shall not practice pharmacy nor do any act involving drug selection,

1 selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall
2 Respondent manage, administer, or be a consultant to any licensee of the Board, or have access to
3 or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or
4 dangerous devices and controlled substances. Respondent shall not resume practice until notified
5 by the Board.

6 During any suspension, Respondent shall not engage in any activity that requires the
7 professional judgment and/or licensure as a Pharmacy Technician. Respondent shall not direct or
8 control any aspect of the practice of pharmacy or of the manufacturing, distributing, wholesaling,
9 or retailing of dangerous drugs and/or dangerous devices or controlled substances.

10 Failure to comply with any requirement or deadline stated by this term shall be considered a
11 violation of probation.

12 **19. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

13 Within thirty (30) days of the effective date of this decision, Respondent shall begin regular
14 attendance at a recognized and established substance abuse recovery support group in California
15 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the Board
16 or its designee. Respondent must attend the number of group meetings per week or month
17 directed by the Board or its designee, which shall typically be at least one per week. Respondent
18 shall continue regular attendance and submit signed and dated documentation confirming
19 attendance with each quarterly report for the duration of probation. Failure to attend or submit
20 documentation thereof shall be considered a violation of probation.

21 Where Respondent is enrolled in the PRP, participation as required in a recovery group
22 meeting approved by the PRP shall be sufficient for satisfaction of this requirement. Any
23 deviation from participation requirements for the PRP-approved group shall be considered a
24 violation of probation.

25 **20. Work Site Monitor**

26 Within ten (10) days of the effective date of this decision, Respondent shall identify a work
27 site monitor, for prior approval by the Board or its designee, who shall be responsible for
28 supervising Respondent during working hours. Respondent shall be responsible for ensuring that

1 the work site monitor reports in writing to the Board monthly or on another schedule as directed
2 by the Board or its designee. Should the designated work site monitor suspect at any time during
3 the probationary period that Respondent has abused alcohol or drugs, he or she shall notify the
4 Board immediately.

5 In the event of suspected abuse, the monitor shall make at least oral notification within one
6 (1) business day of the occurrence, and shall be followed by written notification within two (2)
7 business days of the occurrence. If, for any reason, including change of employment, Respondent
8 is no longer able to be monitored by the approved work site monitor, within ten (10) days
9 Respondent shall designate a new work site monitor for approval by the Board or its designee.
10 Failure to timely identify an acceptable initial or replacement work site monitor, or to ensure
11 monthly reports are submitted to the Board by the monitor, shall be considered a violation of
12 probation.

13 Within thirty (30) days of being approved by the Board or its designee, the work site
14 monitor shall sign an affirmation that he or she has reviewed the terms and conditions of
15 Respondent's disciplinary order and agrees to monitor respondent. The work site monitor shall at
16 least:

- 17 1) Have regular face-to-face contact with Respondent in the work environment, at least
18 once per week or with greater frequency if required by the Board or its designee;
- 19 2) Interview other staff in the office regarding Respondent's behavior, if applicable; and
- 20 3) Review Respondent's work attendance.

21 The written reports submitted to the Board or its designee by the work site monitor shall
22 include at least the following information: Respondent's name and license number; the monitor's
23 name, license number (if applicable) and work site location; the date(s) the monitor had face-to-
24 face contact with Respondent; the staff interviewed, if applicable; an attendance report; notes on
25 any changes in respondent's behavior or personal habits; notes on any indicators that may lead to
26 substance abuse; and the work site monitor's signature.

27 Respondent shall complete the required consent forms and sign an agreement with the work
28 site monitor and the board to allow the board to communicate with the work site monitor.

1 **21. No Ownership or Management of Licensed Premises**

2 Respondent shall not own, have any legal or beneficial interest in, nor serve as a manager,
3 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
4 partnership, or corporation currently or hereinafter licensed by the Board. Respondent shall sell
5 or transfer any legal or beneficial interest in any entity licensed by the Board within ninety (90)
6 days following the effective date of this decision and shall immediately thereafter provide written
7 proof thereof to the Board. Failure to timely divest any legal or beneficial interest(s) or provide
8 documentation thereof shall be considered a violation of probation.

9 **22. Criminal Probation/Parole Reports**

10 Within ten (10) days of the effective date of this decision, or within ten (10) days of the
11 issuance or assignment/replacement of same, whichever is earlier, Respondent shall provide the
12 Board or its designee in writing: a copy of the conditions of any criminal probation/parole
13 applicable to Respondent; and the name and contact information of any probation, parole or
14 similar supervisory officer assigned to Respondent. Respondent shall provide a copy of all
15 criminal probation/parole reports to the Board within ten (10) days after such report is issued.
16 Failure to timely make any of the submissions required hereby shall be considered a violation of
17 probation.

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DATED:

ALEJANDRO MEDEROS
Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

DATED: _____

Respectfully submitted,

ROB BONTA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

KEVIN J. SCHETTIG
Deputy Attorney General
Attorneys for Complainant

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

DATED: September 1, 2022

Respectfully submitted,

ROB BONTA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

Kevin J. Schettig

KEVIN J. SCHETTIG
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 7247

1 ROB BONTA
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
4 State Bar No. 225325
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6322
6 Facsimile: (916) 731-2126
E-mail: Armando.Zambrano@doj.ca.gov
7 *Attorneys for Complainant*

8
9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 7247

13 **ALEJANDRO MEDEROS**
19021 Vicci St.
14 Canyon Country, CA 91351

FIRST AMENDED ACCUSATION

15 **Pharmacy Technician Registration No.**
16 **TCH 124822**

Respondent.

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19 **PARTIES**

20 1. Anne Sodergren (Complainant) brings this First Amended Accusation solely in her
21 official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of
22 Consumer Affairs.

23 2. On or about July 17, 2012, the Board issued Pharmacy Technician Registration
24 Number TCH 124822 to Alejandro Mederos (Respondent). The Pharmacy Technician
25 Registration was in full force and effect at all times relevant to the charges brought herein and
26 will expire on September 30, 2023, unless renewed.

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4. Section 4300 of the Code provides, in pertinent part, that every license issued by the Board is subject to discipline including suspension or revocation.

The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

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(I) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

...

REGULATORY PROVISIONS

8. California Code of Regulations, title 16, section 1770(a) states:

For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime, professional misconduct, or act shall be considered substantially related to the qualifications, functions or duties of the practice, profession, or occupation that may be performed under the license type sought or held if to a substantial degree it evidences present or potential unfitness of an applicant or licensee to perform the functions authorized by the license in a manner consistent with the public health, safety, or welfare.

COST RECOVERY

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

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FIRST CAUSE FOR DISCIPLINE

(December 17, 2021 Criminal Conviction - DUI on January 4, 2021)

10. Respondent is subject to disciplinary action under Code sections 490 and 4301(I), in conjunction with California Code of Regulations, title 16, section 1770(a), in that on or about December 17, 2021, in a criminal proceeding entitled *The People of the State of California vs. Alejandro Mederos*, in Superior Court of California, County of Los Angeles, Case Number 1SC00910, Respondent was convicted of violating Vehicle Code section 23152(b) (driving with a .08% blood alcohol content), a misdemeanor. Respondent was placed on probation for 36 months with terms and conditions, ordered to complete a three (3) month licensed first-offender alcohol and other drug education and counseling program, complete the victim impact program, complete five (5) days of community labor, and pay fines and fees.

The circumstances surrounding the conviction are that on or about January 4, 2021, a Los Angeles County Sheriff's Department deputy responded to a traffic collision involving Respondent. Upon arrival, the deputy observed Respondent's vehicle crashed into the victim's garage wall causing damages. Subsequently, the deputy was flagged down by a female who recently observed Respondent collide into her mother's and brother's parked vehicles and leave the scene without providing his insurance information. Upon speaking to Respondent, the deputy observed bloodshot watery eyes, rapid speech, and the odor of an alcoholic beverage emitting from his breath. Respondent admitted to drinking an alcoholic beverage prior to driving and colliding into the victim's garage. Respondent submitted to Preliminary Alcohol Screening test at 6:44 p.m. that revealed a blood alcohol concentration of 0.186% on the first reading and 0.180% on the second reading. Respondent subsequently submitted to a blood sample at 9:35 p.m. that revealed a blood alcohol concentration of 0.13%.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Dangerous Use of Alcohol)**

3 11. Respondent is subject to disciplinary action under Code section 4301(h), on the
4 grounds of unprofessional conduct, in that Respondent used alcoholic beverages to the extent or
5 in a manner as to be dangerous or injurious to himself, any other person, or to the public, as
6 alleged above in paragraph 10.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Acts Involving Moral Turpitude or Dishonesty)**

9 12. Respondent is subject to disciplinary action under Code section 4301(f), on the
10 grounds of unprofessional conduct, in that Respondent committed acts involving moral turpitude
11 or dishonesty, as alleged above in paragraph 10.

12 **PRAYER**

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
14 and that following the hearing, the Board of Pharmacy issue a decision:

15 1. Revoking or suspending Pharmacy Technician Registration Number TCH 124822,
16 issued to Alejandro Mederos;

17 2. Ordering Alejandro Mederos to pay the Board of Pharmacy the reasonable costs of
18 the investigation and enforcement of this case, pursuant to Business and Professions Code section
19 125.3; and

20 3. Taking such other and further action as deemed necessary and proper.

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22
23 DATED: 8/4/2022

Signature on File

24 ANNE SODERGREN
25 Executive Officer
26 Board of Pharmacy
27 Department of Consumer Affairs
28 State of California
Complainant

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